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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 24

Application Number: 08/818,158
Filing Date: 03/14/97
Appellant(s): Andrews et al

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JUL 26 2002

Technology Center 2100

Scott A. Stinebruner
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 02/27/2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims grouping standing or falling together:

Group A: claims 38-39,41,44-47,50,52,55-58,61-65,67 ad 69-71

Group B: claims 40,51,68 and 73

Group C : claims 74

Group D : claim 75

Group E : claims 42-43,53-54 and 66

Group F: claims 48-49,59-60 and 72

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

| | | |
|-----------|-------------|---------|
| 6,006,034 | Heath et al | 12-1999 |
| 6,044,382 | Martino | 03-2000 |

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 38-75 are presented for examination.
2. Claims 38-75 are rejected under 35 U.S.C. 103 as being unpatentable over Heath et al [Heath 6,006,034] in view of Martino [6,044,382]
 1. As per claim 38, Heath discloses a apparatus, at least one processor, a memory, a computer program residing in the memory, said computer program commencing to download a file referencing a plurality of components [Heath col 4 lines 27-48, col 5 lines 55-67, col 6 lines 1-19, col 6 lines 58-67]

However Heath fails to teach said computer program dynamically prompting a user to select which of said plurality of components to download. Martino discloses the executive menu then will be automatically presented to the user for selection of the desired menu, form, or process [Martino col 4 lines 3- 65, col 8 lines 1-8, col 12 lines 1-13, 20-52, col 17 line 65-col 18 line 17, col 19 lines 44-67, col 28 line 52-col 29 line 25] and the data stream download from database server and display in the menu/form [Martino col 19 lines 1-20,44-67].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the server program automatically prompts a menu to user for select the download application as taught by Martino into the Heath's system to improve the data transaction between client/server in the network. Doing so would provide the user a chance to select the component on the download list of the components while enhance the communication process on network.

2. As per claims 50,61 and 62, contain the same limitations that were addressed in rejecting claim 38.
3. As per claim 39, Heath-Martino disclose the computer program as a Web browser application [Heath col 3 lines 20-37].
4. As per claim 40, Heath-Martino disclose said file as HTML document [Heath col 7 lines 60-65].
5. As per claim 41, Heath-Martino disclose the component download selection mechanism, said component download selection mechanism dynamically creating a component download selection list when said file with said plurality of components is download as a catalog file or download component list [Heath col 2 line 35-55, col 4 lines 27-48, col 5 lines 55-67, col 6 lines 58-67].

6. As per claim 42, Heath-Martino disclose computer program comprises a web browser and wherein said component download selection list is formed in a second pane of said web browser and displayed with said file [Heath col 3 lines 20-37, col 4 lines 27-48, col 5 lines 55-67, col 6 lines 58-67].

7. As per claim 43, Heath-Martino disclose the component download selection list is formed in a dialog box [Heath col 7 line 55-col 8 line 14].

8. As per claim 44-47, Heath-Martino disclose the component download list is inserted into said file and displayed; file name; type of components; size of each components as the inherent features of the download catalog list [Heath col 4 lines 28-48].

9. As per claim 48, Heath-Martino disclose component download selection list includes a status item, said status item dynamically displaying the amount of each of said plurality of page components that has been downloaded [Heath col 5 line 55-col 6 line 19].

10. As per claim 49, Heath-Martino disclose status item includes the percentage of a page component downloaded as inherent feature of download list [Heath col 5 line 55-col 6 line 19]

11. Claims 51-60 contain the same limitations that were addressed in rejecting claims 38-49 above. By the same rationale applied above, claims 50-60 are rejected.

12. As per claim 63, Heath-Martino disclose a recordable media or video cassette recorder as inherent feature of CD-ROM [Martino col 8 line 61-col 9 line 7].

13. As per claim 64, Heath-Martino disclose a transmission media as inherent feature of Internet [Heath abstract].

14. Claims 65-72 contain the same limitations that were addressed in rejecting claims 39-48 above. By the same rationale applied above, claims 65-72 are rejected.

15. Claims 73,74 contain the same limitations that were addressed in rejecting claims 38 and 39 above. By the same rationale applied above, claims 73-74 are rejected.

16. As per claim 75, Heath-Martino disclose the apparatus comprising at least one processor,; a memory coupled to at least one processor [Martino col 4 lines 22-37] and a computer program residing in the memory, said computer program commencing to download a file referencing a plurality of components [Heath col 4 lines 27-48], said computer program dynamically prompting a user to select which of said plurality of components to download [Martino col 4 lines 3- 65, col 8 lines 1-8, col 12 lines 1-13, col 19 lines 44-67, col 28 line 52-col 29 line 25], wherein the program is further configured to receive user input that selects at least one of the plurality of components, to commence to download at least one selected component from the plurality of component, and to display the file with the selected component embedded therein [Heath col 7 line 56-col 8 line 13].

(11) Response to Argument

A1) Group A contains claims 38-39,41,44-47,50,52,55-58,61-65,67 and 69-71; applicant argues the prior art of record did not teach “download a file referencing a plurality of components”

As to (A1) Heath taught a downloaded catalog file which contains a list of application components as a file referencing a plurality of components [Heath col 4 lines 27-48, col 5 lines 55-67, col 6 lines 58-67];

(A2) Applicant argues the prior art of record did not teach “dynamically prompting a user to select which of a plurality of components to download”

As to (A2) Martino taught user select or input a set of forms to download for a particular multimedia application [Martino col 4 lines 3- 65, col 8 lines 1-8, col 12 lines 1-13, 20-52, col 19 lines 44-67, col 28 line 52-col 29 line 25]; a form contains instructions, prompts, menu selection options [Martino col 12 lines 1-12]; and Heath taught the launcher program provides a user with a dialog box to either select an existing application program to update or specify the network address of catalog file for a new application [Heath Fig 7A-7C, col 6 lines 1-19].

(A3) Applicant argues there has been no objective evidence presented of any motivation to combine the references.

As to (A3), Heath discloses the invention as substantially as discuss above. Heath does not explicitly detail technique of prompting a selection list or menu for user select. However, Heath discloses the dialog box which provides the existing program for user select [Heath col 6 lines 1-19]. Martino, in the same endeavor, taught a Web environment [Martino col 19 lines 1-20] including the executive menu will automatically prompted or presented to user for selection of the desired menu, form or processes [Martino col 17 line 65-col 18 line 17].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the server program automatically prompts a menu to user for select as taught by Martino into the Heath's system to utilize the dialog box with selection program. Doing so would provide a dynamic, quick and simple process such as prompting a dialog window to user for selecting a component as needed on the download list.

In response to applicant argument, Examiner's motivation is from Martino's teaching that a menu is automatically prompted to user a menu, form or process for selection would provide different options than a dialog box.

(B) Group B contains claims 40,51,68, and 73; applicant argues the prior art does not teach the file references the plurality of components is a HTML document.

As to point (B), Heath taught a web environment with web browser and HTML document [Heath col 7 lines 64] wherein a catalog file or HTML file contains a list of application components [Heath col 4 lines 27-48, col 5 lines 55-67, col 6 lines 58-67]. Thus it clearly that suggest a skilled artisan could use the web browser to select and download a HTML document such as a catalog file which references to a list of components.

(C1) Group C contains claim 74; applicant argues the prior art does note teach "references to a plurality of embedded components"

As to point (C 1), Heath taught "references to a plurality of embedded components" is equivalent to a catalog file contained a list of the application components [Heath col 4 lines 40-45,col 5 lines 55-67, col 6 lines 58-67].

(C 2) As per claim 74; applicant argues the prior art does note teach "parsing an HTML document for references to said plurality of embedded components"

As to point (C 2), Heath taught "parsing an HTML document for references to said plurality of embedded components" is equivalent to a launcher program with embedded a catalog

file is configured to run (i.e.: parse) an update on a periodic basis wherein the application program is provided within a HTML document [Heath col 7 lines 33--col 8 lines 14].

(C 3) As per claim 74; applicant argues the prior art does not teach “prompting a user select which of said plurality of embedded components to download by displaying a component download selection list on said web browser”.

As to point (C 3), Heath taught “prompting a user select which of said plurality of embedded components to download by displaying a component download selection list on said web browser” is equivalent to the launcher program receives a HTML document (i.e.: catalog file) which is contained or embedded into the browser for displaying [Heath col 7 line 56-col 8 line 13].

(D) Group D contains claim 75; applicant argues the prior art does not disclose or suggest “the computer program is further configured to receive user input that selects at least one of the plurality of components, to commence to download at least one selected component from the plurality of components, and to display the file with the selection component embedded therein”

As to point (D), Heath taught an application program such as a HTML document displayed on Web page and user downloaded the catalog file as a list of plurality of components for selection wherein the catalog file is embedded into the browser which displayed HTML document [Heath col 7 line 56-col 8 line 13].

(E1) Group E contains claims 42-43,53-54 and 66; applicant argues the prior art does not teach or suggest the component download list is formed in a second pane of a web browser

As to point (E1), Heath taught a web browser displayed the HTML document wherein the second pane is an inherent feature of web browser [Heath col 7 line 55-col 8 line 14].

(E2) Applicant argues the prior art does not teach or suggest “the component download selection list is formed in a dialog box”

As to point (E2), Heath taught using a dialog box or dialog window to provide the user a selection to control and update the application program [Heath col 6 lines 1-19]. It is clearly that the selection download component is formed in a dialog window.

(F) Group F contains claims 48-49,59-60 and 72; applicant argues the prior art does not recite the concept of display a status item in a component download selection list that dynamically displays (or prompt) the amount of each of a plurality of components that has been downloaded.

As to point (F), Heath taught the status of download component has been dynamically display the amount of component download from Internet server as inherent feature of the launcher dialog window wherein the amount of the download component from catalog file is displayed [Heath col 5 line 55-col 6 line 19].

Thus, the system and method of claims 38-75 are obvious in view of the combination of the prior art.

Examiner has considered all of applicant’s arguments.

For the reasons above, it is believed that the rejections should be sustained.

Respectfully submitted,

June 14, 2002

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